

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on April 10, 2008.

PATENT
Attorney Docket No. 015280-356100US
Client Ref. No. E-201-1998/0-US-06

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lata Olivier

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PASTAN et al.

Application No.: 09/673,707

Filed: January 11, 2001

For: RECOMBINANT IMMUNOTOXIN
DIRECTED AGAINST THE HIV-1
GP120 ENVELOPE GLYCOPROTEIN

Confirmation No. 3958

Examiner: Zeman, Robert A.

Technology Center/Art Unit: 1645

RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated February 19, 2008 (the "Notification"), Applicants submit herewith an Appeal Brief corrected to indicate in Section 10, the Evidence Appendix, where the evidence presented by the Applicants was entered in the record.

REMARKS

The Notification indicates that Section 10 of the Appeal Brief filed by the Appellants did not "contain copies of the evidence submitted under 37 CDR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied on by appellant in the appeal**, along with a statement of setting forth where in the record that evidence was entered by the examiner, as an appendix thereto." (Emphasis in original). In a telephone discussion with Examiner Zeman on April 8, 2008, the undersigned counsel was advised by Examiner Zeman

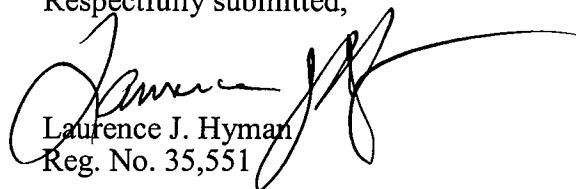
PASTAN et al.
Appl. No. 09/673,707
Response to Notification of Non-Compliant
Appeal Brief
Page 2

PATENT
Attorney Docket No. 015280-356100US

that a correction of Section 10 required submission of a corrected Appeal Brief. Accordingly, Appellants are submitting with this transmittal an Appeal Brief containing a Section 10 corrected to state where the evidence was entered by the Examiner. Examiner Zeman also advised in that discussion that the corrected Appeal Brief should also contain a correction previously made in Section 3 to state which claims are under appeal. That correction has therefore also been incorporated into the Appeal Brief submitted herewith.

The corrected Appeal Brief is believed to be fully responsive to the Notification. The reviewer is invited to telephone the undersigned at 415-576-0200 if there are any remaining matters impeding consideration of the Appellants' appeal.

Respectfully submitted,



Laurence J. Hyman
Reg. No. 35,551

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
61316585 v1